

**Davis, Brian**

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**From:** Weinberger, Jeffrey [Jeffrey.Weinberger@mto.com]  
**Sent:** Tuesday, December 04, 2007 4:52 PM  
**To:** Davis, Brian  
**Cc:** msd@dcglaw.com; Peter N Witty; Phillips, Gregory; Lorenzini, Eric; Guzelsu, Ozge  
**Subject:** FW: Brighton v. Slaughter Depositions and Trial Date

This is the e-mail from my opposing counsel.

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**From:** Don Howarth [mailto:dhowarth@howarth-smith.com]  
**Sent:** Sunday, December 02, 2007 12:44 PM  
**To:** Weinberger, Jeffrey  
**Cc:** Vincent, Garth; jdavis@howarth-smith.com  
**Subject:** RE: Brighton v. Slaughter Depositions and Trial Date

Jeff,

With regard to the trial date, when the date of March 26, 2008 was set (long ago), your office solemnly confirmed to Judge Murphy that this date would work and that it would be preserved for trial. I did the same and have protected it on my calendar, as did our co-trial counsel, Tom Girardi. Both Tom and I have now set a number of trials and arbitrations on either side of this date in reliance on this trial date being firm. Neither of us would be available at the later dates you are talking about. For all these reasons we cannot agree to move the trial date and will oppose any attempt to do so.

Don

Don Howarth, Esq.  
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12/7/2007

**From:** Weinberger, Jeffrey [mailto:Jeffrey.Weinberger@mto.com]  
**Sent:** Friday, November 30, 2007 3:18 PM  
**To:** dhowarth@howarth-smith.com  
**Cc:** Vincent, Garth  
**Subject:** Brighton v. Slaughter Depositions and Trial Date

Don:

I will be handling the S&J and Slaughter depositions scheduled for December 6. While I understand that you have the right to have them held in Judge Murphy's jury room, I think everyone involved would be much more comfortable in our offices, so I would propose changing the location (and start time to 10:00.) Are you amenable to this? I would also like to discuss the current trial date with you. I have another trial that was set in the U.S. District Court in Boston to begin on March 3. Its not clear whether it will take the whole month (or longer) but it might, and even if it finishes on March 23, it will obviously leave me insufficient time to prepare. So I am requesting your assent to a continuance of about 45 days, subject to the Court's approval. Is this something you could agree to? Please call or e-mail me and let me know. Thanks for your consideration.

Regards,  
Jeff

Jeffrey I. Weinberger, Partner  
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12/7/2007